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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,020	09/29/2000	Steven M. Bennett	042390.P9236	3234

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EXAMINER

AZAD, ABUL K

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 07/17/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,020

Applicant(s)

BENNETT, STEVEN M.

Examiner

ABUL K. AZAD

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,6. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-23 are pending in this action.

Information Disclosure Statement

2. The reference cited in the Information Disclosure Statement, PTO-1449, Paper Nos. 3 and 6 have been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Uppaluru (US 5,915,001).

As per claim 1, Uppaluru teaches, “a system comprising”:

“a user” (col. 5, lines 34-39);

“a module to identify the user” (user authentication and verification; col. 15, lines 42-51);

“a voice user interface to facilitate communications between the user and the system” (col. 4, lines 38-61, particularly reads on “Internet 101 is a system of linked communications networks that facilitate communication among computers which are coupled to Internet” also reads on IVR);

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“a database to store contextual information pertaining to the user” (col. 8, lines 32-51 reads on “predefined, system and user specific, spoken command and control key word recognition” and col. 11, lines 12-35); and

“the system to use user-specific contextual information to dynamically change the voice user interface” (col. 2, lines 53-67, particularly reads on “other component sets are designed to match the key word sets in corresponding to voice web pages such as a calendar page or an address book page enabling user and context dependent navigation and control”, where calendar page and address book page are changes dynamically based on the user’s dependent contextual information).

As per claim 3, Uppaluru teaches, “wherein the user-specific contextual information comprises: an identity of the user; and a current task of the user” (col. 2, lines 42-52, personal identification code, voice print, bookmarks).

As per claim 7, Uppaluru teaches, “a computer program to dynamically generate the ordered delivery of heterogeneous information to the user” (col. 3, lines 49-60, reads on “these preferences are components within the personal profile pages and are easily the voice web system for dynamic retrieval”, computer program is inherent in this system).

As per claim 8, Uppaluru teaches, “wherein the ordered delivery of heterogeneous information is organized based upon the user-specific contextual information” (col. 3, lines 49-60).

As per claim 10, Uppaluru teaches, "wherein the ordered delivery of heterogeneous information is organized based upon the sensitivity of the information being delivered to the user" (col. 3, lines 49-60, particularly reads on "the user gets exactly the information relevant to his/her interest in exactly the order of priority he/she prefers").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-6, 9, 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru (US 5,915,001) in view of Goldberg et al. (US 5,970,446).

As per claim 2, Uppaluru teaches, "wherein the user-specific contextual information comprises: an identity of the user" (col. 8, lines 32-51 reads on "predefined, system and user specific, spoken command and control key word recognition" and col. 11, lines 12-35).

Uppaluru does not explicitly teach that the user-specific contextual information is a current location of the user. However, Goldberg teaches, the user-specific contextual information is a current location of the user (col. 4, lines 32-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use

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Goldberg's teaching in the invention of Uppaluru's invention to know the user's current location to better recognized the user input speech and correctly responding to the user based on the recognition of the speech.

As per claims 4-6 and 13-14, Uppaluru does not teach:

"the system to use environmental information to dynamically make changes to the voice user interface";

"wherein the environmental information comprises channel characteristics of a communication device that the user uses to communicate between the user and the system";

" wherein the environmental information comprises audio scene information at the location of the user";

"wherein the environmental information is communicated to the system by the user"

"wherein the environmental information is determined by the system by comparing the audio scene characteristics at the location of the user to known references and selecting the matching environmental scene".

However, Goldberg teaches:

"the system to use environmental information to dynamically make changes to the voice user interface" (col. 3, lines 7-16);

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“wherein the environmental information comprises channel characteristics of a communication device that the user uses to communicate between the user and the system” (col. 3, lines 18-34);

“ wherein the environmental information comprises audio scene information at the location of the user” (col. 4, lines 1-31);

“wherein the environmental information is communicated to the system by the user” (col. 4, lines 32-50).

“wherein the environmental information is determined by the system by comparing the audio scene characteristics at the location of the user to known references and selecting the matching environmental scene” (col. 4, lines 1-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Goldberg’s teaching in the invention of Uppaluru’s invention to know the user’s current location to better recognized the user input speech and correctly responding to the user based on the recognition of the speech.

As per claim 9, Uppaluru does not explicitly teach, “wherein the ordered delivery of heterogeneous information is organized based upon environmental information”.

However, Goldberg teaches, ““wherein the ordered delivery of heterogeneous information is organized based upon environmental information” (col. 5, lines 59-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Goldberg’s teaching in the invention of Uppaluru’s invention to know the user’s environmental condition to better recognized the user input speech and

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correctly responding to the user according to user preferred order of priority he/she prefers based on the recognition of the speech.

As per claim 11, Uppaluru teaches, "a telephony interface device capable of communicating to the user in a human voice" (Fig. 1, elements 111 and 107 as a telephony interface device and col. 2, lines 22-41, IVR systems are inherently capable of communicating to the user in a human voice).

As per claim 12, Uppaluru teaches, "a module to generate a grammar file to enhance the ability of the system to comprehend communications between the user and the system" (col. 2, lines 53-67).

As per claims 15-23, they are interpreted and thus rejected as stated above in the rejection of claims 4, 8 and 9.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Commissioner for Patents

Washington, D.C. 20231

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Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office whose telephone number is **(703) 306-0377**.

Abul K. Azad

July 13, 2003


Richmond Dorvil
Primary Examiner